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Letter dated 1 May 2015 from the Permanent Representative of Lithuania to the United Nations addressed to the Secretary-General

I have the honour to inform you that, under the presidency of Lithuania, the Security Council is scheduled to hold an open debate on the protection of journalists in conflict situations. The debate will be held on 27 May 2015. To help to steer the discussion on the subject, Lithuania has prepared a concept note (see annex).

I should be grateful if the present letter and the annex thereto could be circulated as a document of the Security Council.

(*Signed*) Raimonda **Murmokaitė**
Ambassador
Permanent Representative

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Annex to the letter dated 1 May 2015 from the Permanent Representative of Lithuania to the United Nations addressed to the Secretary-General

Concept note for the Security Council open debate on the protection of journalists in conflict situations

Background

According to the Additional Protocols of 1977 to the Geneva Conventions of 1949, journalists are entitled to cover armed conflict as civilians operating independently of any armed force. While the issue of the protection of journalists in armed conflict is periodically referred to in open debates on the protection of civilians, specific Security Council outcomes thereon are few and far between. The only resolution with a specific focus on the issue is resolution 1738 (2006).

Today's world is highly dependent on swift, even real-time, access to information. With warfare becoming increasingly asymmetrical and terrorist threats on the rise, however, the protection of journalists working for that swift delivery of information in increasingly dangerous environments constitutes a major challenge. Journalists and other media professionals working in war zones face many dangers. They are increasingly at risk of being directly and deliberately harassed, attacked, abducted and held for ransom or as hostages, in a clear violation of international humanitarian law.

As the recent beheadings of journalists by ISIL reminded us most brutally, being a journalist has rarely been more dangerous. Although journalists enjoy various forms of protection as civilians in armed conflict, attacks on them continue and, in most cases, impunity for attackers remains unaddressed. In 2014 alone, 61 journalists were killed (30 per cent were freelances; 87 per cent were local journalists), 23 in crossfire and 11 while on other dangerous assignments. In total, 221 journalists were imprisoned. Of those killed, 12 per cent were foreign journalists,[a] while most were local journalists and media workers. The increased attention by the international community and Member States notwithstanding, very little progress has been made in both limiting the number of journalists imprisoned or killed and in bringing perpetrators to justice.

The increasing risks and threats to journalists and media workers notwithstanding, only one open debate has been held by the Security Council on the issue since the adoption of resolution 1738 (2006). Lithuania, as President of the Council for May, intends to convene a high-level open debate on the protection of civilians with a specific focus on the protection of journalists in conflict situations, with the aim of reviewing the implementation of resolution 1738 (2006) and lessons learned.

Thematic developments

In addition to the norms of international humanitarian law, the Security Council has called for the protection of civilians in armed conflicts and specifically addressed the protection of journalists. In resolution 1738 (2006), it condemned all

[a] According to data from the Committee to Protect Journalists. More information is available from http://cpj.org/killed/2014/.

attacks against journalists, media professionals and associated personnel in armed conflicts and called upon all parties to put an end to such practices. It recalled that journalists were protected as civilians under international humanitarian law, unless they took action adversely affecting their status as civilians. Similar elements are contained in the presidential statement of 12 February 2013 (S/PRST/2013/2). The Council has also issued press statements in relation to killings of journalists, such as those pertaining to the attack on a French magazine, *Charlie Hebdo*, and the killings of two Japanese journalists by ISIL in 2015.

The issue of the protection of journalists in conflict is also referred to in reports of the Secretary-General on the protection of civilians. Specifically, in his report of 22 November 2013 (S/2013/689), the Secretary-General noted that concerns regarding the safety of journalists must be reflected in relevant resolutions through the inclusion of proposed actions aimed at strengthening the protection of journalists. He made a similar call in his report on the safety of journalists and the issue of impunity to the General Assembly (A/69/268), in which he encouraged United Nations peacekeeping and special political missions to pay particular attention to the issue of the safety of journalists and media workers in the context of their mandates to protect civilians.

Both the General Assembly and the Human Rights Council have taken on the issue by adopting resolutions urging States to do their utmost to prevent violence against journalists and media workers, to conduct impartial and speedy investigations into all alleged violence and to bring the perpetrators of such crimes to justice.

Existing normative frameworks contain important protection language and constitute a solid basis for shielding media professionals working in conflict areas from harm. It is not so much the lack of rules, but rather the failure to implement existing norms and to systematically investigate, prosecute and punish crimes against journalists.

Challenges and opportunities to be explored

Tackling impunity

In his most recent report on the protection of civilians (S/2013/689), the Secretary-General underlines that accountability for the perpetrators of attacks against journalists is virtually non-existent. In the past 10 years, 370 journalists have been murdered. The perpetrators have been apprehended and prosecuted in less than 5 per cent of the cases. In 90 per cent of the cases, there have been no convictions.[b] The situation is particularly difficult for local media workers, who account for the largest percentage of journalist victims. Impunity for crimes against journalists remains one of the greatest challenges to press freedom and the public's right to enjoy information.

The Geneva Conventions of 12 August 1949 and the Additional Protocols thereto grant rights and protection to journalists as civilians. Although crimes against journalists do not explicitly fall within the purview of the Rome Statute of the International Criminal Court, they may amount to war crimes or crimes against humanity. In addition to criminal proceedings at the national level, the Court is one of the most important international judicial institutions for holding accountable those responsible for war crimes and crimes against humanity.

[b] According to data from the Committee to Protect Journalists. More information is available from http://cpj.org/campaigns/impunity/.

Tackling impunity is important as a tool for ensuring greater safety and protection of journalists working in conflict situations and is thus directly linked to our freedom to enjoy information from conflict zones. This glaring gap in accountability for crimes against journalists needs to be filled with all due urgency.

Freedom of movement

To carry out their work and inform the public and the international community of unfolding crises, journalists need access. The availability of credible information from conflict zones to the local population and the international community can have an important lifesaving aspect because it is often instrumental in mobilizing international attention and, eventually, assistance and action aimed at protecting civilians in conflict zones. Freedom of information legislation is, however, most often lacking in conflict and immediate post-conflict situations and there are few, if any, measures to protect journalists.

Article 13 of the Universal Declaration of Human Rights provides for the right to freedom of movement. Restrictions on movement make it harder for journalists to collect and provide fair and accurate information to the public. Attacks against journalists and growing numbers of journalist casualties deter journalists from exercising their right to seek and disseminate information, to the detriment of the right of citizens to be informed.

Working on dangerous assignments, journalists and media professionals must constantly re-evaluate risks and know when to back down. Journalists need proper preparation to cover conflicts, which can help to minimize some risks. There is a need for clearer, more accessible safety resources. Employers should also seek to do better in reconciling the need to report and inform from conflict situations with measures aimed at better protecting all journalists, including local journalists and freelance staff. Media companies have to ensure proper training and safety equipment before sending journalists on dangerous assignments.

Safety of journalists in areas controlled by non-State actors and terrorist groups

Terrorist-held areas are zones of the most unspeakable crimes and abuses. Journalists who report from such zones are exposed to increased levels of risks and threats to their lives posed by terrorist and radical extremist groups that operate in total denial of the established legal norms and basic humanity. Terrorist brutality makes no exceptions for journalists, who are regarded as the enemy.

The year 2014 in particular was marked by threats against and kidnappings and murders of journalists by terrorist groups.[c] Journalists have been abducted, held captive and murdered in the most brutal of ways in public to deter others from entering areas under terrorist control. The international community cannot afford to permit zones held by non-State actors and terrorists to become black spots of information, especially given that international attention to their plight is often the only hope that remains for civilians trapped in such zones of utter lawlessness.

Even as the international community must remain apprised of the gruesome developments and crimes perpetrated by terrorist and radical extremist groups,

[c] According to Reporters Without Borders. More information is available from http://en.rsf.org/files/bilan-2014-EN.pdf.

attacks against journalists and the increased levels of risk force many who work in journalism to flee the regions controlled by extremist and other criminal armed groups. This particular aspect of threats to journalist safety was not addressed by the Security Council in resolution 1738 (2006) and merits its attention, especially given that with the spread of radical extremism and asymmetric threats from non-State actors the risks will only increase.

Safety of journalists and peacekeeping operations

Currently, 10 United Nations peacekeeping operations have mandates that include the protection of civilians in armed conflict. Although journalists can be protected as civilians, identifying them as a special category of persons who should be protected could raise awareness, enable them to carry out their duties as journalists and eventually save more lives. The role of the Secretary-General is critical in this regard. Reports on specific peacekeeping operations and thematic reports on the protection of civilians could include regular information on the situation regarding journalist safety and attacks on journalists and also include recommendations regarding protection measures that could then feed into the mandate of the operation. Such reporting could also enable better focus on combating the culture of impunity for crimes committed against journalists and could inform mandate implementation vis-à-vis conflict resolution and post-conflict reconstruction in cooperation with national authorities and justice institutions.

Possible questions to consider

Member States are encouraged to consider some of the following points in their statements:

(a) How to improve efforts to combat prevalent impunity and use relevant accountability mechanisms;

(b) Best practices in ensuring the safety of journalists in conflict situations and how to improve their protection, including facilitating their freedom of movement and access to information;

(c) How to better engage peacekeeping missions, United Nations entities and other international presences on the ground in developing specific and systematic action to ensure the protection of journalists as civilians under threat of physical violence;

(d) How best to protect journalists reporting on terrorist-held areas and measures that could be taken to prevent incidents of kidnapping and hostage-taking of journalists by terrorist groups;

(e) The role of regional and subregional organizations in raising awareness of journalist safety in conflicts.

Briefers

In addition to the Deputy Secretary-General, who will provide a briefing on the protection of journalists in conflict situations, Lithuania, as President of the Security Council, intends to invite the Secretary-General of Reporters Without Borders, Christophe Deloire, and a journalist (to be confirmed at a later stage) with personal insights into ensuring accountability.